

Entered - 06/04/01 - sb
CL01L0341 - DIANNE C. MITCHELL

01- R -0936

CLAIM OF: **FRANCISCO IZAGUIRRE,**
through his attorney,
Bob Berlin
401 Cherry Street
Suite 602
Macon, Georgia 31201-3347

For damages alleged to have been sustained as a result of a vehicular accident on August 26, 1999 at the South River Water Reclamation Center.

THIS ADVERSED REPORT IS APPROVED

BY: 

ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0341

Date: June 12, 2001

Claimant /Victim FRANCISCO IZAGUIRRE
BY: (Atty) Bob Berlin
Address: 401 Cherry Street, Suite 602, Macon, Georgia 31201-3347
Subrogation: Claim for Property damage \$ 4,591.62 Bodily Injury \$
Date of Notice: 06/01/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 08/26/99 Place: South River Water Reclamation Center
Department Public Works Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges his vehicle was damaged due to a vehicular accident with a City vehicle. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

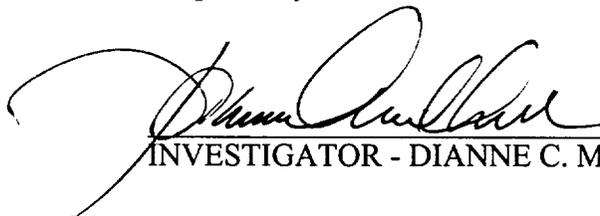
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

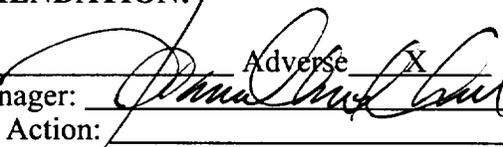
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months X Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 06-13-01
Committee Action: Council Action

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BERLIN AND HODGES, P.C.

Attorneys at Law

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CERTIFIED MAIL

May 30, 2001

ENTERED - 6-4-01 - SB
01L0341 - DIANNE MITCHELL

City of Atlanta
Law Department
Claims Department
68 Mitchell Street
Atlanta, GA 30303

Mitchell
06/01/01
[Signature]

RE: Allstate Insurance Company
vs. City of Atlanta
Our Insured Francisco Izaguirre
Our Claim No. 4094680446
D/L 08-26-99
Our File No. 12877-B
Your Insured City Vehicle: Tandem Truck, no driver
Waste Water Services
Location Employee Parking Lot-South River Water
Reclamation Center

Gentlemen:

We represent Francisco Izaguirre. You are responsible for damages because of an incident which occurred on August 26, 1999, in which an employee negligently parked a vehicle owned by the City of Atlanta. Said vehicle came out of gear and rolled into our insured's vehicle. My client has paid for these damages.

The value of these unliquidated damages has been determined to be \$4,591.62, and we hereby demand payment of that sum immediately. You will be responsible for interest on this sum at the rate of 12% per annum from the date of the first demand. This demand for unliquidated damages and for pre-judgment interest is being made pursuant to O.C.G.A. §51-12-14.

It is our client's intention to pursue this claim if no reasonable arrangements are made for payment of this amount within the next ten (10) days.

Please contact my paralegal, Cheryl, to discuss this case.

Thank you.

BERLIN AND HODGES, P. C.

01-R -0936

[Signature]

Bob Berlin